

# Recruit Review



Volume 2, Issue 17

October 11, 2002

Accountability  
Integrity  
Respect  
Teamwork  
Professionalism

## *Walking The Line*

### Inside this issue:

|                                 |   |
|---------------------------------|---|
| Standard Field Sobriety Testing | 2 |
| Elements of Proof               | 3 |
| Legal Aspects of OM-VWI         | 3 |
| Week in review                  | 3 |

**“We mutually pledge to each other our lives, our fortunes and our sacred honor.”**

**-The Declaration of Independence.**

Recruit Walters shows us the kind of person we don't want of the road in SFST training.



Recruit Brann shows off his certificate of completion from SFST training. We are all so proud of him.

Recruit McCormick fires his trusty Ruger from the isosceles shooting stance at a viscous gunman.



## Standard Field Sobriety Tests



**By: Jeremy Geiszler**

Standardized field sobriety testing (SFST) class started on Tuesday and went through Thursday of this week. Class was twenty-four hours long and consisted of classroom instruction on detecting and field testing people who are operating while intoxicated (OWI), a written exam, and a practical exam. Successful completion of the whole program was required for certification in SFST.

Classroom instruction started out with interesting information about alcohol related crashes. For instance, approximately 38.4% of all fatal crashes are alcohol-related. This shows us soon-to-be police officers how important it is to get these people off of the streets to prevent them from hurting innocent people or themselves. Furthermore, conservative estimates show that a typical OWI driver commits that offense about 80 times per year which is an average of once every four to five days. This shows us that we need to deter current OWI drivers from continuing their dangerous behavior by creating the fear of being arrested. The best way to do this is by training police



officers to recognize driving behaviors commonly associated with OWI and how to properly administer SFSTs. With more highly trained police officers on the road enforcing OWI laws more people will be getting arrested which will make the streets safer for all of us.

We also learned that OWI detection consists of three phases. Phase one is referred to as "vehicle in motion" and the main purpose is to observe the vehicle and decide if there is reasonable suspicion for you to stop the vehicle. Phase two is called the "personal contact" phase. In this phase, you need to interview the driver and look for indications of intoxication. Next you need to decide if you have enough evidence to ask the driver to exit the vehicle. If so, you must watch the driver exit the vehi-



cle for additional evidence of intoxication. Phase three is referred to "pre-arrest screening." This phase consists of determining whether or not there is probable cause to arrest the subject for OWI. This means administration of the SFSTs and a preliminary breath test (PBT).

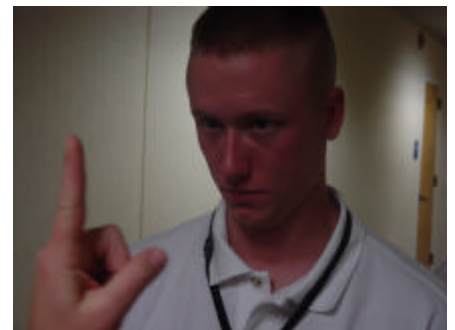
The first standardized field sobriety test taught to us was the horizontal gaze nystagmus (HGN) test. Nystagmus is defined as the involuntary jerking of the eyes that is a natural and normal phenomenon. However, alcohol and certain other drugs happen to exaggerate or magnify this involuntary jerking to the point where it is easily visible to a trained person. Scientific tests prove that obtaining four or more clues during HGN indicates a blood alcohol concentration (BAC) of .10% or greater 77% of the time.

The second field sobriety test

that we were taught was the walk and turn test. This involves nine heel-to-toe steps on a line, a turn, and nine heel-to-toe steps back. The instructors then showed us the eight clues to look for while the subject is conducting the test. If we observe two or more of these clues, we can accurately predict that a subject has a BAC of .10% or greater 68% of the time.

The third and final standardized field sobriety test is the one leg stand. This involves the subjects lifting his or her foot approximately six inches off of the ground and counting out loud for thirty seconds. There are four clues to observe in this test, and if we see two or more of them, we can predict that the subject is legally intoxicated 65% of the time.

Wednesday and Thursday afternoons gave us the opportunity to practice our SFST skills on classmates that volunteered to be drinkers. This gave us the ability to see how HGN and the other tests are affected by intoxica-



tion. For this exercise, we were required to do the SFSTs and then make an educated guess as to whether the subject was legally intoxicated and whether or not you would arrest that subject.

The class ended with a written exam of the material. Everyone in the class did quite well on the exam and we are now all certified in standardized field sobriety tests. This is definitely a skill that will be valuable for all of us when we hit the streets in less than a month!

## Elements of Proof



**By: Jeff Brann**

As young officers about to enter the complex world of police work, we must be able to enforce the law in a way that not only puts the bad guy behind bars, but also makes sure that he will be properly punished for the crimes that he or she has committed. An officer correctly doing his or her job can accomplish this by making sure the elements of the offense are

proven. On another perspective, an officer neglecting to prove the elements of an offense can allow a criminal to get away with committing a crime with no reparations for it.

On Monday we began our week with instruction by Sgt. Heino regarding Elements of Proof. Throughout the class we reviewed statutes to understand how to read them and be able to write out reports that are more difficult for a person to challenge in court. By knowing what elements of a crime are required for prosecution we can make a more orderly report that specifies the elements in a clear manner.

A properly structured report not only makes it easier for a reader to understand, it also helps out the prosecuting attorney because the defense attorney can not find a weak spot in the case. Since

the officer has the most direct tie to the case being reported, it is one of the easiest places for a defense attorney to attack to try to get his client off on a technicality.

Throughout the class we also discussed terminology and how single words in a statute can alter the meaning completely. For example, we looked at the words “shall” and “may” and how they can make a certain act either a requirement or an option for a person. Knowing the meaning of words like these can help an officer in his or her report writing and criminal convictions. It is even more important for us as young officers to get a firm understanding of the true meaning of laws because we do not yet have the training and experience that helps us make a stronger case.

## Legal Aspects of OMVWI



**By: Ruth Ellestad**

On Oct. 7<sup>th</sup> we were instructed by Sergeant Darrell Hill on the legal aspects of operating a motor vehicle while intoxicated. We began by reviewing aspects of the Bill of Rights and other important amendments, and

then looking at the statutes that give us our authority as police officers.

The preliminary breath screening test was an important focal point of discussion. We learned that as an officer you may request a person to provide a sample of his/her breath, but you cannot demand it. The results of this test cannot be used in court except to show that there was probable cause for an arrest. Also, if a person refuses to do an officer's field sobriety tests, that person cannot be forced to do them. However, the officer can use their refusal as a factor in determining whether or not to make an arrest. Learning the ins and outs of what authority we will have as officers to use these

tests will be very important for us in the future when we have to make traffic stops.

While it may be obvious that it is illegal to operate a motor vehicle while under the influence, we also learned of other statutes that are not as apparent. For example, statute 114.09 prohibits reckless flying and 30.681 is for intoxicated boating. All in all today was a stepping-stone for the rest of the week. Now that we have covered the legal aspects of operating a motor vehicle while intoxicated we are ready to learn how to perform the standard field sobriety tests on the drivers we will be pulling over for this offense.

## Week In Review

**By: Bill McCormick**

This past week we learned the aspects of OMVWI detection and the correct way to administer standard field sobriety tests. We also learned a new way to shoot from the isosceles shooting

stance. We also had a block of instruction on drugs that impair driving. We look forward to next weeks OMVWI scenarios and A&C techniques. We are also looking forward to Civil Disturbance training next week. We will also

have Sgt. Page and Sgt. Anibas for Crimes Against People, Property, and Children. We all are looking forward to graduation so we can test our skills out on the road. Luckily we only have four weeks to wait.